

U.S. Application No. 09/608,184 Examiner Christopher J. Brown Art Unit 2134
37 CFR 1.116 Amendment & Request for Reconsideration of Advisory Action mailed on June 8, 2005

RESPONSE

In response to the Final Office Action dated January 27, 2005 (also referred to herein as "Final Office Action") and in response to the Advisory Action mailed on June 8, 2005, Assignee respectfully requests reconsideration based on the following remarks. ASSIGNEE RESPECTFULLY SUBMITS THAT THE PENDING CLAIM - CLAIM 41 - IS IN CONDITION FOR ALLOWANCE, OVERCOMES THE CITED 35 USC § 132 OBJECTION, AND DOES NOT RAISE ANY NEW ISSUES THAT WOULD REQUIRE FURTHER CONSIDERATION AND/OR SEARCH. All other claims - claims 1-40 and claims 42-55 - were previously canceled in the 37 CFR 1.116 Amendment and Request for Reconsideration filed on May 26, 2005. Consequently, Assignee asserts that claim 41 is in condition for allowance.

The United States Patent and Trademark Office (the "Office") responded to the 37 CFR 1.116 Amendment & Response mailed on May 26, 2005 stating that the "[t]he claim includes a notification address including a plurality of items not included in the previous amendment considered for the final office action." Consequently, the Assignee amends claim 41 to include the terms "at least one of" and the terms "if the payer is a subscriber to the commercial monitoring service" as further described below. Thus, the only pending claim is claim 41 and the objection to claim 41 has been overcome. Thus, the Assignee respectfully submits that claim 41 is ready for allowance and requests reconsideration pursuant to 37 CFR §1.116. *See also*, MPEP §§ 714.12 and 714.13.

March 1, 2005 Interview:

On March 1, 2005, an in person interview (hereinafter referred to as "the Interview") was held with Christopher Brown (Examiner), Gregory Morse (Examiner Brown's Supervisor), Samuel Zellner (Inventor), and Bambi Walters (Attorney for Assignee). During the Interview, the participants discussed the objection and rejections of the January 27, 2005 Office Action including claim 41 and agreed that the steps of "receiving a request to connect the payer with the help communications address for assistance with the financial transaction" and "initiating a

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communications connection among the payer and the help communications address" are supported in the application.

June 10, 2005 Conference Call:

On June 10, 2005, a conference call was held with Christopher Brown (Examiner) and Bambi Walters (Attorney for Assignee). During the call, the participants discussed the comment "[t]he claim includes a notification address including a plurality of items not included in the previous amendment considered for the final office action" and reviewed the August 29, 2005 Amendment and Response – that is, the language of independent claim 36 and corresponding dependent claim 41. Participants discussed that the step of "creating a notification message using the notification address, wherein the notification message comprises a help communications address for assistance with the commercial transaction and wherein the notification message further comprises a merchant name, a merchant address, the amount of the commercial transaction, a date of the commercial transaction, a time of the commercial transaction, a name of the payer, and a reference number of the commercial transaction." More specifically, the participants discussed that claim 41 presented in the May 26, 2005 Amendment & Request for Reconsideration did not include the terms "at least one of" after the terms "wherein the notification message further comprises." Consequently, Examiner Brown said that a new search would be required, and, thus the claim was not in condition for allowance.

Claim 41:

In the reason for objecting to claim 41 in the Final Office Action, the Office asserted that "sending the notification message to the help communications address" introduced new matter. Final Office Action, p. 2. Consequently, Assignee made a good faith effort to amend claim 41 in independent claim format to include the limitations of base claim 36 and to amend claim 41 to remove the step of "sending the notification message to the help communications address." However, in the Advisory Action mailed on June 8, 2005, the Office stated that the "[t]he claim includes a notification address including a plurality of items not included in the previous amendment considered for the final office action" – that is, as discussed during the June 10, 2005 Conference, the terms "at least one of" was omitted after the terms "wherein the notification message further comprises." Consequently, the Assignee amends claim 41 to include the terms "at least one of" after the terms "wherein the notification message further comprises." In

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addition, Assignee has made a good faith effort to include all of the limitations of base claim 36 submitted in the August 29, 2005 Amendment & Response and further amends claim 41 to include the terms and the terms "if the payer is a subscriber to the commercial monitoring service" after the terms "sending the notification message to the notification address."

Furthermore, if the Office identifies any missing language from base claim 36, then Assignee respectfully requests an Examiner's Amendment such that independent claim 41 includes all of the limitations of base claim 36.

Claim 41 is written in independent claim format and includes the limitations of base claim 36 including the terms "at least one of" and "if the payer is a subscriber to the commercial monitoring service" as discussed above. Furthermore, claim 41 does not include the objected to step of "sending the notification message to the help communications address." Amended claim 41 is presented below:

[c41] A method for monitoring a commercial transaction for a payer, comprising the steps of:

- initiating the commercial transaction;
- sending an authorization request to a processing center, wherein the authorization request comprises an amount of the commercial transaction;
- receiving the authorization request, including an identification of the payer, in a computer in a processing center;
- determining whether the payer is a subscriber of the commercial transaction monitoring service;
- continuing processing of the commercial transaction if the payer is not a subscriber to the commercial transaction monitoring service; and
- if the payer is a subscriber to the commercial transaction monitoring service:
 - obtaining a notification address corresponding to the identification of the payer;
 - creating a notification message using the notification address, wherein the notification message comprises a help communications address for assistance with the commercial transaction and wherein the notification message further comprises at least one of a merchant name, a merchant address, the amount of the commercial transaction, a date of the commercial transaction, a time of the commercial transaction, a name of the payer, and a reference number of the commercial transaction;
 - sending the notification message to the notification address if the payer is a subscriber to the commercial monitoring service;

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receiving a request to connect the payer with the help communications address for assistance with the financial transaction; and
initiating a communications connection among the payer and the help communications address.

U.S. Patent Application No. 09/608,184, claim 41.

During the interview, the participants agreed that the steps of "receiving a request to connect the payer with the help communications address for assistance with the financial transaction" and "initiating a communications connection among the payer and the help communications address" are supported in the application. Further, these steps – "receiving a request to connect the payer with the help communications address for assistance with the financial transaction" and "initiating a communications connection among the payer and the help communications address" – have not been objected to nor rejected to by the Office.

Furthermore, the references cited in the Final Office Action – *Blonder* (U.S. Patent No. 5,708,422), *Bartoli* (U.S. Patent No. 6,047,68), *Goldsmith* (U.S. Patent No. 6,064,990), and *Bickham* (U.S. Patent No. 5,530,438) – alone or in combination, do not teach, disclose, and/or otherwise suggest "receiving a request to connect the payer with the help communications address for assistance with the financial transaction" nor do they teach, disclose, and/or otherwise suggest "initiating a communications connection among the payer and the help communications address."

CONCLUSION

The Assignee respectfully requests that Examiner Brown allow claim 41. ASSIGNEE RESPECTFULLY SUBMITS THAT CLAIM 41 IS IN CONDITION FOR ALLOWANCE PURSUANT TO 37 CFR §1.116. SEE ALSO, MPEP §§ 714.12 AND 714.13. THEREFORE, ASSIGNEE RESPECTFULLY SOLICITS A NOTICE OF ALLOWANCE FOR CLAIM 41.

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**AUTHORIZATION FOR PAYMENT OF FEES &
REQUEST FOR AN EXTENSION OF TIME**

Assignee respectfully requests an additional two month extension of time fee for the 1.116 Amendment & Response to the January 27, 2005 Office Action filed on June 10, 2005. Assignee submits payment for a two month extension of time to respond to the January 27, 2005 Office Action from April 27, 2005 to the two month extension of June 27, 2005.

Description of Fee	Amount
Two Month Extension of Time Fee	\$450.00
Total	\$450.00

The Assignee, therefore, includes a Credit Card Payment Form PTO-2038 for \$450.00. If there are any other fees due in connection with the filing of this response, please charge the fees to the credit card on file. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to the credit card on file.

If the Office has any questions, the Office is invited to contact the undersigned at (757) 253-5729 or bambi@wzpatents.com.

Respectfully submitted,



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Date: June 17, 2005

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